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SETTLED OUT OF COURT

Compromise in the Honolulu Case.

MUST BE APPROVED BY WASHINGTON

Last of Pearl Harbor Condemnation Suits Settled and Work May Begin.

A COMPROMISE has been effected in the last of the Pearl Harbor suits, and if approved by the Secretary of the Navy, Admiral Merry may take formal possession of the Naval Station lands and begin the actual work of construction.

The compromise is in the case of the Honolulu Plantation Company, in which there have already been two trials, and in which there is now pending before Judge Estee a motion for a new hearing.

The terms of the compromise which has been submitted to the Navy Department are kept secret, and the only information given out here is that it was acceptable to all parties.

The first trial of the case of the United States vs. Honolulu Plantation Company resulted in a verdict for the defendant of $105,000. This judgment was set aside by Judge Estee, upon the refusal of the company to accept a cut to $75,000, and a new trial was granted.

On the second trial the jury brought in a verdict for defendant in the sum of $103,523, which is but little less than the first verdict. The motion for a new trial on the part of the United States was filed Thursday, though the agreement between the parties had been reached several days before, and even then was on its way to Washington for the approval of the Secretary of the Navy.

Mr. Dunne said yesterday that negotiations had been pending for some time and the compromise was satisfactory to all parties. He stated that he was not at liberty to give out any information, but that the compromise was acceptable to the government.

Judge Silliman was likewise noncommunicative, simply stating that the Honolulu Plantation Company was satisfied with the terms of the compromise. He added also that there would be no change in the extent of the land taken by the United States for the Naval Station, and would not say whether or not the amount agreed upon was between $75,000 and $105,000.

Unless there is some other element involved in the compromise it can be set down for certain that the amount as finally agreed upon exceeds $75,000, which is the amount Judge Estee offered to fix and which was refused by Manager Low. It is also quite certain that the amount is less than $100,000, and the most likely figure is about $90,000. Though nothing is known as to the nature of the agreement, it is possible that it may include some privileges for the Honolulu Plantation Company which might materially lessen the monetary consideration.

The offer of compromise, it is said, came from Admiral Merry, conditional, of course, upon the approval of the Navy Department. Though there is still an appeal pending in the Bishop Estate case, the government does not anticipate an overturning of the decision of Judge Estee, and the settlement in the Honolulu Plantation Company case means an end to all litigation in connection with the Pearl Harbor Naval Station.

The appropriation for the purchase of lands was $150,000, though this was not the limit which could be expended for that purpose. The total appropriation for the naval station was $750,000, of which the $150,000 was especially designed for the purchase of a site. If the Navy Department approves Admiral Merry's action the actual work of construction at the Naval Station may be begun almost immediately.

The draft of the compromise was forwarded to Washington on the Alameda, and in the mean time the status of the case here is to remain the same, and there will be no further action in court until a reply is received. If it is favorable then the entire court proceedings will be dropped. The following stipulation and order in relation to the case was made yesterday by Judge Estee:

"In the above entitled action, it is hereby stipulated and agreed between said plaintiff and petitioner and the Honolulu Plantation Company, one of the defendants and respondents above named, that, inasmuch as negotiations are now pending for a settlement of all matters of difference between said plaintiff and petitioner and said Honolulu Plantation Company, the statu quo shall in all respects be preserved intact, until said negotiations shall have been fully concluded, and that all matters now pending between said parties, in said cause, stand continued until said negotiations shall have been fully concluded; and that each of said parties shall have twenty days from and after the conclusion of said negotiations within which to take such steps in said cause as may be advised, and that neither of said parties shall in any way be prejudiced by the lapse of time, change of term of said court or any other cause or reason whatever; and that each of said parties may do or perform within said period of twenty days hereinabove referred to any matter, step, act or thing with as full and complete legality and efficacy as if such matter, step, act or thing was done within time, or within the term of court at which the verdict in the above entitled cause was rendered.

"This stipulation is designed to suspend all matters and things in the above entitled action between said parties, pending the full conclusion of the aforesaid negotiations."

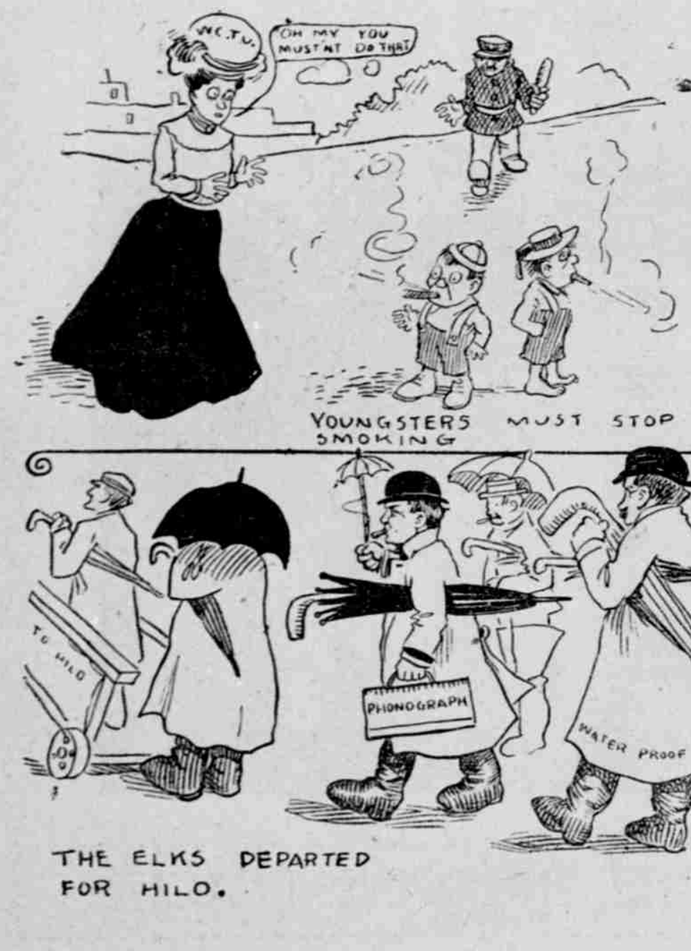
The stipulation is signed by R. W. Breckons and J. J. Dunne for the United States, and by Hatch & Silliman for the Honolulu Plantation Company.

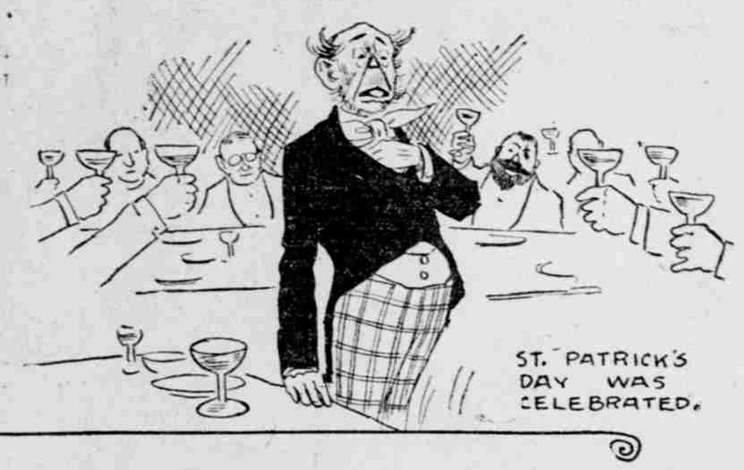
Judge Estee endorsed it as follows:

"Let the above entitled stipulation be, and it is hereby approved and ordered filed in said cause, subject to existing law."

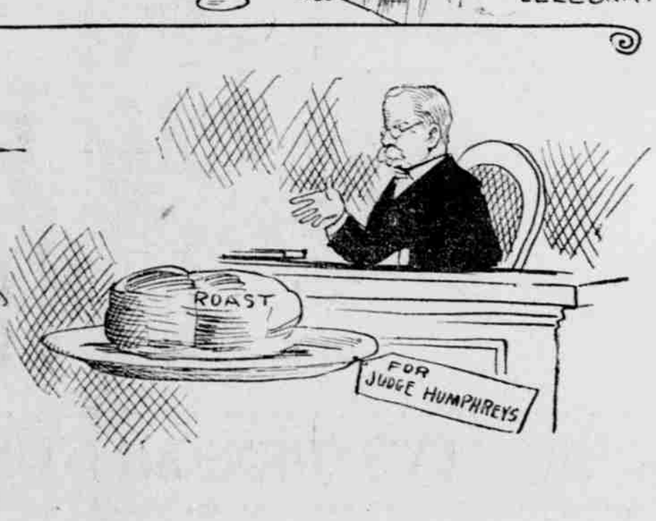
Influenza is always more or less prevalent at this season of the year. This disease is very similar to a severe cold and if allowed to take its course is liable to cause severe results. The best treatment for influenza is to avoid exposure and take Chamberlain's Cough Remedy. This medicine gives immediate relief, and if used as directed, will ward off all dangerous consequences. It leaves the system in a natural and healthy condition. It always cures and cures quickly. Benson, Smith & Co., Ltd., wholesale agents, sell it.

PICTORIAL HISTORY OF THE WEEK





THE ELKS DEPARTED FOR HILO.



WHAT PAUL NEUMANN DID IN SOUTH AFRICAN WAR

Paul Neumann as a member of the British Field Medical Corps in South Africa.

YOUNG PAUL NEUMANN of Honolulu, who served as a member of the British Hospital Corps in South Africa during the first part of the Boer war, has been highly honored by the British government. For distinguished conduct on the battlefield he was awarded a silver medal, suitably engraved, and which is now in the possession of Mrs. Neumann, having been sent to her address by mistake. The young man upon his return to England from the war was unable to continue his medical studies owing to the ravages which camp fever made upon him, and he is at present in New York, where he is engaged in newspaper work. The story of his experiences in the British army is graphically told in the following interesting account which he recently sent to the Advertiser:

When the disheartening news of defeat after defeat of the British army operating in South Africa reached us in Edinburgh, excitement reached the fever point. We, particularly of the University volunteer medical staff corps, 101 healthy, soundly drilled enthusiastic embryo physicians and surgeons, every one of whom had had three years' training in the field hospital and other army work, were boiling under the delay of the government to call out the volunteers. It was, finally, on January 18, 1900, that the orders were issued by Surgeon General Wilson calling for 2,000 medical volunteers. Our corps responded to a man, but only seventeen were selected at the beginning, and after being duly sworn in, my declaring myself under age, having caused some amusement, we were drafted to Aldershot.

What a send-off it was! The whole university, 4,000 healthy pairs of lungs were vieing with the townspeople, prominent among whom were our sorrowing creditors, raising the roof off the station. We were the first batch of Edinburgh volunteers, and it was with difficulty and some danger to limb and head that we finally reached our car. I, for one, was handed over the heads of about 200 lusty medicos, and had no sooner reached the car than I was seized, stood up and ordered to make a farewell speech. "Come on Paul," "Buck up for Honolulu," "England and America forever," were the yells which greeted me. "Quote Bret Harte," yelled one enthusiast; "Tell us a war joke," screamed a freshman in my ear.

Amid all the din it was absolutely impossible to get a word in edgeways, so we picked up an American and an English flag, tied them together on a pole and hung them out. The storm of cheering was deafening, and did not subside for some time. Then some one struck up "When Johnny Comes Marching Home," and the inferno commenced again. Bagpipes, horns, drums, rattles—every instrument of torture devised since the time of Adam was brought into use. So loud was the din that it could be heard two miles away. Whisky flasks, pipes, tobacco; in short, every soldier's comfort, were flung to us.

Finally our dear old sergeant major came up to the car, and handing us each a pipe, said a few words of farewell. "Now, you fellows; we're proud of you; see that you do us credit. Steal everything of the army service corps you can lay hands on if you see you can do good by it. Shake hands all round." The old veteran actually had tears in his eyes when those 4,000 lives academic joined hands and sang "Auld Lang Syne" and "Better Loved Ye'll never be wad ye no cam back again." There were few of us who hadn't a lump as big as a dumbbell somewhere in our necks.

One herculean medico was hoisted on the heads of his brother Irishmen and addressed the crowd. "Bhoys, ye see before ye a credit to the country and the Anglo-Saxon race, and sivinteen of the luckiest divils in the counthry. We who were not so fortunate will follow in due course, but in the meantime me bucks, we'll jist drink the hilth of the said sivinteen and show them that we appreciate them as Edinburgh medicos, Three cheers and Edinburgh alma mater ones, too, for our friends, the Linseed Lancers." The cheers had scarcely died out when the whistle blew and the train began to glide out amid the strains of the "Soldiers of the Queen," and as we entered the Carlton tunnel we could still see the immense crowd waving banners, sticks, hats, or anything they could lay hands on.

In due time we reached Aldershot, headquarters of nearly every English regiment. We were fitted out with khaki touristers, boots, socks, putties and everything else necessary to the soldier going out on a campaign. Ten days' hard drilling, stretcher bearing and field hospital practice, and we were paraded for sailing orders. The commanding officer made a short speech, wished us Godspeed and a safe return, and we marched to Woolwich. Here we were quartered in none too healthy huts, relics of the Crimean days, and here first we learned soldiers' life as it is in peace times.

The work we had to do was unique. I, for one, was told off to wash the windows of the quartermaster's parlor. I flatly refused. "Then, I'll jug you for mutiny," was the calm reply. I saw no alternative, and in a surly temper did the job as badly as possible. The quartermaster's wife watched me with an amused smile. "I do declare, you're a volunteer," she said. "Yes, madam, but not of the pioneer window cleaners." She gave me sixpence when I had finished. I looked at the coin and then at her, then I laughed; I couldn't help myself, I yelled. She gazed at me in profound astonishment, then offered me a whisky and soda, which I declined with thanks, and having given the youngster the sixpence, I retired.

Next day I applied for duty in the cookhouse, and made complaint to the colonel that I was ordered to do work unbecoming a soldier. He laughed. He was afterwards court-martialed; but more anon.

My application for leave to see my sisters in London was flatly refused, so I took French leave, and of course was caught. The officer was a fellow student, just qualified. "I understand you were refused leave," he said; "I understood the same." I replied, "What are you doing here, then?" "The same thing as you, yourself." "And that is?" "Looking for the nearest bar." We adjourned and I introduced my friend to every American tempter under the sun. He was a teetotaler, too, by inclination, but royal fizz proved too much for him. "Thash all ri," he said when I had him in his cab. "Don' let anything worry you 'tall, I'm old friend; Charing Cross Hotel, cabby." And to such mean wiles we had to descend to save ourselves.

Two days before sailing we attended service at St. Bartholomews, and afterwards an immense dinner was given us at the headquarters of the London volunteer medical staff corps, where we were reinforced by twenty more medicos and sixty laymen V. M. S. C. men. We marched down to Cannon street station, accompanied by 700 volunteers, whose services were required in England, and the bands of the London V. M. S. C. Our Edinburgh send-off was a great one, but faded into absolute insignificance before the great-hearted Londoners' farewell. The mob was enormous, even the 1,000 police who marched at our side could not keep them away from us. By the time we reached the station the mob had assumed such immense proportions that we were utterly blocked. At length, with the aid of the police we reached the station yard. Here, the public was not admitted, and while we were paraded to hear our last orders on English soil, the people cheered incessantly.

I have since heard the din of a battle and the fearful row that a thousand or two of niggers can raise, but never in my life have I heard such a volume of sound as that for which that

(Continued on Page 13.)